FOR MYSORE STATE

(1953) Department.

Ms SERIES.

G.O. No. Ms 2079

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closed

Dated 18-7-53

14

[Despatch Abstract.]

Public Servants - (South Kanara) Padmaya Gowda - vs - (2) formerly TE Head Accountant Coondapur - - Grant of L.H.P. - rejected.

REVENUE DEPARTMENT
SUBJECT:

PUBLIC SERVANTS(SOUTH KANARA)-Padmaya Gowda Sri (B)-Formerly taluk Head Accountant Coondapur-Grant of L.H.P.-Petition to Government-Submitted.

-x-x-x

Reference:

Submitted to the Government.

(E)

2. The B.P.Rt.860 dated 30-1-53 in which the case was dealt with is enclosed for reference and return. The Board has no remarks to offer in the matter.

R Vadam 27/4
For Joint Secretary

To

The Secretary to Government
Revenue Department with appeal petition in original
(E) B.P.Rt.860 d/30-1-53 & Collector's records
Copy to Collector of South Kanara
NS 24.4.

Puttur, dated: 18.2.53

To

The Secretary to Government,
Revenue Department,
M A D R A S.

Through:-

The Proper Channel.

B. Padmaya Gowda, Taluk Head Accountant,)
Taluk Office Puttur, South Kanara.) Petitioner.

The Petitioner, being highly aggrieved by the Board's order B.P.Rt.860 dated 30-1-53, enclosed, begs to submit the following for favour of consideration and orders.

That the petitioner is now in his 55th year and he has 11 months more to retire from service, the date of his retirement being 3-2-1954.

The petitioner entered service on 1-5-1982 and counts a total service of over 30 years in the department. Though during this period he was not able to rise to higher posts than the one he now holds, he has been doing his work all along consientiously and faithfully without shirking or evading his duties. The copies of extracts from the remarks passed by his superiors from time to time appended hereto will speak for themselves.

A scrutiny of his leave account will show at a glance, how sparingly he had availed himself of his earned leave at his credit except on the last occasion. He was never on leave exceeding 4 months at a time and never on sick leave. These facts will clearly indicate that it was never his intention either to shirk work or to put Government to any unnecessary extra expenditure. He has worked in all the Revenue Offices in this District except four.

Perhaps because of his failure to take leave frequently in order to recoup his health in the earlier days of his service, his health has begun to fail him when he is approaching the end of his service. Hence he felt it necessary to go on leave from 8-11-51 to 7-7-52. By the end of that period he had fully recouped his health and was fit to join duty. He was posted as Taluk Head Accountant, Coondapur on the expiry of his leave. He obtained an advance of pay and as required by F.R.71 he obtained a medical certificate of fitness from a private medical practitioner, Dr. U.L. Narayana Rao, M.B.B.S., on 6-7-52 and proceeded to Coondapur and joined duty in the hope of being able to continue there sufficiently long. But as illluck should have it, perhaps the strain of the journey of 122 miles from his old station to the new one made expeditiously for want of joining time after the expiry of the 8 months leave availed of by him, the change in the diet at the new station and perhaps the strain of the Treasury Work that he had to do immediately after a period of rest for 8 months began to tell upon his health within 5 or 6 days of his rejoining duty. He began to have head-ache, feeling of giddiness and palpitation in the chest. Inspite of it he continued for some days more and when he felt that he could not continue any longer he consulted one Dr. H. Venkatramanaya, B.A., M.B.B.S., a leading physician who after examining him carefully diagonised the complaint as "Heart disease" with rapid pulse" and advised him to take complete rest and treatment for at least 2 months. He therefore applied for leave but even after this medical opinion of a prominent doctor and though he was under treatment, he was feeling depressed and lifeless. Yet he could not stay away from his duty and managed to carry on

until receipt of orders on his application for leave and the arrival of a substitute to relieve him. Thus he was relieved on 26-7-52.

Though relieved from his duty, his health did not permit him to leave the station immediately until he felt some relief after taking complete rest for some days. In the mean while Collector's order directing him to appear before the District Medical Officer was received on 2-8-52. Accordingly he proceeded to Mangalore and appeared before the District Medical Officer who after examining him on 4-8-52 declared his, as a case of "Myocardities" and recommended him for leave and complete rest for 4 months as against 2 months recommended previously by the private medical practitioner.

The Collector while granting him leave for 4 months as recommended by the District Medical Officer directed that the leave be in continuation of the 8 months' leave previously availed of by him and be treated as leave on Half Average Pay by applying G.O.Ms.406 - Fin.Dept. dated 21-7-1932. It is the application of this G.O. to the petitioner's case that has hit him hard when, as a matter of fact and infairness to him the G.O. is not applicable to his case at all. Therefore the petitioner is obliged to approach the Government since he has not received adequate consideration at the hands of the Board. The petitioner has stated above in detail his bonafides and all the circumstances under which he was obliged to go on leave soon after his return from leave for 8 months.

The petitioner begs leave to point out the following reasons to show why the G.O. is not applicable to his case in order to enable the Government to decide whether the spirit of the G.O. is violated or not.

(a) The case quoted in para 1 of the G.O. shows that the clerk was allowed to join after the expiry of 8 month's leave without production of a medical certificate of fitness unde F.R.71. But in this case such a certificate has been produced.

(b) The clerk was granted leave without M.C. after he was on duty only for a single day. But in this case the petitioner was on duty for 18 days and applied for leave only on the basis of a medical certificate.

(c) The complaint on account of which the petitioner was previously on leave for 8 months was for "multiple boils and debility" while his subsequent complaint was declared as "Myocardities" which is quite a different complaint altogether from the one from which he was suffering during the previous space of leave.

(d) The direction in the penultimate and last sentences of para 2 is clear that leave could be granted without M.C. even within 3 months from return after leave, provided sufficient reasons are shown in order to see whether the spirit of the leave rules are complied with. But in this case the leave was applied for on M.C. and granted as certified to by the District Medical Officer and therefore there is no reason to consider that the spirit of the leave rules is in any way violated. Further, since no interval between two spells of leave in the case of persons on leave on M.C., has been fixed in the last sentence of para 2 of the G.O. it cannot be applied to the petitioner's case at all.

Lastly the petitioner begs to submit that as will be seen from the facts set forth above his is a genuine case of illness brought about on account of circumstances beyond his control, and not one of the kind referred to in the G.O., and there was no motive at all to take any more advantage amounting to a deliberate evasion of the rules. As such, the petitioner feels much aggrived by the treatment of the leave as on Half Average Pay - which has

hit him hard in two ways - viz first by having to spend a good deal to recover from the ailment and secondly by being deprived of the emoluments he would have got, had the leave not been treated as one on half average pay.

Prays therefore that on a kind consideration of the facts stated above the 4 months ~~xxxx~~ leave on medical certificate granted to him may be treated as on average pay out of the earned leave at his credit and to which he is entitled to under the rules with or without medical certificate.

Puttur,)
18-2-53.)

Petitioner.

APPENDIX.

Extracts from the Remarks passed by Officers in regard to the Petitioner.

1. N.Dis.P.R.120/1924.

Forwarded for favourable consideration.

2. I have known the applicant for the past One Year and Eight Months as he has been working under me as Ag. Head Clerk of my Office. He has been in charge of the important branches of Revenue Work and I have great pleasure to testify that he discharged his duties most satisfactorily. He is very systematic and very mindful of his duties. He has been very obedient and quite un-assuming and I found his character to be real in exemplary. As he belongs to a very backward community of South Kanara he deserves every encouragement.

(Sd) K. Siva Rao,
Dy. Tahsildar 7-7-24.

2. N.Dis.P.R. 65/1925.

Submitted to the Revenue Divisional Officer, Puttur.

I fully endorse the remarks of the Deputy Tahsildar, Mr.K. Siva Rao and I beg to request that the application may be favourably considered.

(Sd) K. Rama Varma Raja,
Ag. Tahsildar, 14-1-1925

3. N.Dis.P.R.83/1926.

Submitted through the Revenue Divisional Officer, Puttur.

The applicant is the only member of his caste in the Superior Service of Government. He is intelligent, hard working and very systematic in his work and deserves every encouragement.

(Sd) B. Somappa.
Ag. Dy. Tahsildar. 15-4

4. N.Dis.P.R.124/1926.

Submitted to the Revenue Divisional Officer for favourable consideration. The applicant is a very useful hand and I would be really sorry to lose him. He is the only clerk of his community and deserves therefore every encouragement.

Sd. B. Somappa.
Dy.Tahsildar 1-6-26.

5. N.Dis.1460/ Sub 26.

Submitted through the Revenue Divisional Officer, Puttur.

2. The Petitioner has been working under me as Head Clerk of this office for the last 2½ months during the period, I have found him quite efficient, hardw working and systematic. I fully endorse the opinion expressed about him by my predecessors. He is a Gowda by cast which community is hardly represented in Public Service. I strongly recommend his confirmation.

Sd. B.K. KrishnaRao.
Ag.Dy. Tahsildar.17.11
26

6. N.Dis.P.R.627/28.

Submitted.

2. Petitioner is one of the best clerks now working in my office and I shall not be able to spare him at present.His request may therefore be granted.

Sd. G. Dattatriya Rao,
Tahsildar 29-6-28.

18.2.53

Proceedings of the Board of Revenue, Madras.

B.P.Rt.860 dated 30-1-53

Sri W.R.S. Sattianathan, I.C.S.,
Commissioner of Land Revenue.

Sub:- Public Servants - Padmaya Gowda Sri B. - Formerly Taluk Head Accountant - Coondapur - Grant of L.H.P. Appeal Rejected.

Read:- Appeal petition d/10-9-52 of Sri B.Padmayya Gowda
From the Collector of South Kanara A1.23381/52-1 d/4-10-52

RESOLUTION

The Board has perused the connected records. It finds no reason to interfere on behalf of the petitioner. The appeal petition cited is therefore rejected.

(True Extract)

(Sd) R.C. Joseph,
Assistant Secretary

To the petitioner through the Collector of South Kanara
Copy to the Collector of South Kanara with h[illegible]
L.Dis.5364/52
D.Dis.19037/52, L.Dis.22049/52
L.Dis.17224/52, L.Dis.24858/51 &
L.Dis.22158/51 (Returned by R.)

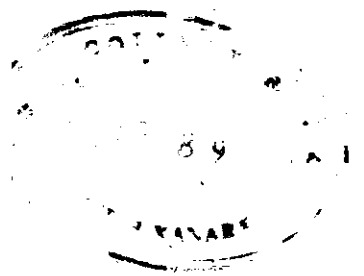
/Forwarded/By order/

RVK/30-1

N.V. Raj
Superintendent/
30.1.53

N. Mis 1601 - 53

Submitted to the Collector of
South Arcot Cuddalore.



19/2/53
Tahsildar.
Pc 19.2 · Q 19.2

Mis 1 - 4603/53.
19-2-53

CR037973 A/53

12

Rev Dept

Read.,

From Sri B. Padmaya Gowda petn dt 18.2.53
From the Bd of Rev Ref. W. 2548/53 (M2)
dt 23.4.53

G.O.ms 2029 dt 18-7-53.

The govt see no reason to comply with the request of the petitio
The petition is rejected.

To,
Sri B. Padmaya Gowda
the petitioner.
through the Collr of S. Kanara

The Bd of Rev.
(with records retd)

The Collr of S. Kanara

1. B.P. R. 860 of 30.1.53
2. L.D. 22158/51.
3. " 5364/52
4. " 17224/52
5. L.D. 19037/52
6. L.D. 22049/52 7. Service Regr in 2 vols.

(CNo 34913 A/53) Pubic Servants - (South Kanara) - Padmaya Gowda - Sri (B) - Formerly Tk Head Accountant, Coondapur - Grant of leave on half pay - Appeal

pp 3 of { From Sri B. Padmaya Gowda, petn. dt 18.2.53

pp 1-2 { From the Bd of Rev - Ref W. 2545-53 dt 23.4.53

To A.S

Please see the Bd's refce and its enclosures in the C.F.

2. Sri Padmaya Gowda, formerly Tk Head Accountant, Coondapur, has appealed to the govt against the Bd's order B.P.K. dt No 860 30.1.53 declining to interfere with the Coll's order granting him leave on half pay while he was eligible for leave on average pay The facts of the case are as follows:-

p 17 of (E) p 19 of (F)

The petitioner was granted at first leave on average pay for 4 months from 8.11.51 to 7.3.52 on grounds of ill-health He was granted extension of leave on average pay on medical certificate for 4 months from 8.3.52 to 7.7.52. On the expiry of leave he produced a fitness certificate dt 6.7.52 and joined duty as Tk. Head Accountant, Coondapur on 10.7.52. On 18.7.52, he again applied for leave ~~on half pay~~ for two months producing a medical certificate dt 17.7.52 and entered on leave with effect from 26.7.52. He was directed to appear before the Dt. Medical officer who recommended leave for 4 months The Coll while granting him leave for 4 months as recommended by the D.M.O directed that the leave be ~~included~~ in Continuation of the 8 months leave

p 1 of X on p 1 of

pp 7-8 of (V)

p 9 col (F)

cf para 2, p 1 of (E)

pp 12 of (F)

pp 3-4 ibid of

p 11 of (F)

pp 13-14 of ibid

p 19 of ibid

previously availed of by him and be treated as leave on half average pay by applying G.O No 406 Fin dt 21.7.38. The petr has stated that the G.O is not applicable to his case at all. The Contentions of the petitioner are :— p 19 of (Ca) do

1. That while in the case quoted in the G.O. the clerk was allowed to join duty without the production of a fitness certificate, he produced a medical fitness certificate on joining duty on 10.7.38 p 19 of (G)

2) That the clerk referred in the G.O worked for one day while he worked for 16 days before he went on leave from his new post. X on file 3

3) That the District medical Officer recommended the leave for 4 months for "Myo carditis" which is entirely different from his previous malady of boils and debility."

4) That the leave was applied for on M.C. and granted as certified to by D.M.O. and therefore there is no reason to consider that the spirit of the leaves rules is in any way violated

In the opinion of the Court, the leave applied for has to be treated as a Continuation of the leave previously availed of in view of the instructions in G.O No 406 Fin dt 21.7.38. and therefore it has to be treated only as leave on half average pay. It is submitted that the petitioner produced a fitness certificate when he joined duty on 10.7.38 after the expiry of the previous leave as required under para 8 of G.O No 406 Fin dt 21.7.38 and that he went on leave from 26.7.38 after producing a Medical certificate. The p 5 R.F (F) p 19 of (G) p 9 of (F) p 19 of (G) p 3-4 of (F)

37973 A/53.

Bd of Rev which examined the Case has stated that the question for consideration is whether the Medical opinion dt 6.4.53 that he was physically fit to rejoin duty should be accepted in view of the fact that 11 days later another Doctor found him suffering from Myocarditis It has also obtained the opinion of Director of Medical service who has stated that the entire period of absence should be treated as one spell of leave. The Bd has therefore rejected the petition of the Tk Head Accountant In view of the opinion of the Director of Medical Services already obtained by the Bd, there seems to be no Case for interference by the government. It is for orders whether the petition may be rejected. Fin may see or remarks

28.6.53
K.A.Karim
29.6.53

1/7/53

FIN

Rev 40 37973 A/53-1
9.7.53

Fin

The proposal at "A" above may be accepted

Fin (Coord)

7/7/53 Rev

Fin No 54742 A/1-1 9/7/53

ADDITIONAL DEPUTY SECRETARY TO GOVERNMENT
54742
4 JUL 1953
FINANCE DEPARTMENT

vide X

57967 A

ASST. SECRETARY TO GOVT.
9 JUL 1953
REVENUE DEPARTMENT

Rev Dept

To A.S

The notes on ppl-3 above may be perused. Fin have agreed to the proposal at 'A' above. A draft order below is submitted for approval.

14

C. 13/7.

17 JUL 1953
REVENUE DEPARTMENT

D. (dR.) 17/7

4

20,002—8-5-53.

ORDER PAPER.

Revenue Department.

Subject. Public Servants - (South Kanara) - Padmaya Gowda Sri (B) - Formerly Taluk Head Accountant - Coondapur - Grant of leave on half pay - Petition rejected.

Recommendations of Circulating Officer.

p 179 (E)
p 199 (F)
p 159 (E)

Sri Padmaya Gowda has appealed to the Government against the Board's order declining to interfere with the Collector's order granting him leave on half average pay while he was eligible for leave on average pay. In view of the opinion of the Director of Medical Services that the entire period of absence should be treated as one spell of leave, there seems to be no case for interference by the Government. The petition may therefore be rejected.

15/7/53

Rev. Secy.

Orders of Ministers.

(1) M(LR). 19.7.53

(2) R. (LR)

(3)

(4)

(5)

(6)

(7)

(8)

(9)

(10

If orders passed in the Cabinet, Decision of Cabinet.